

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

JOSEPH F. JILES,

Plaintiff,

ORDER

v.

08-cv-464-slc

MARTHA BREEN, SARAH COOPER, WILLIAM
POLLARD, PETE ERICKSEN, STEVEN
SCHMIDT, TODD HAMILTON, MARK
BAENEN and MARK LIMONICK,

Defendants,

Plaintiff is proceeding in this case on his claims that the defendants Martha Breen, Sarah Cooper, William Pollard, Pete Eriksen, Steven Schmidt, Todd Hamilton, Mark Baenen and Mark Limon violated his Eighth Amendment rights by depriving him of adequate clothes, a mattress, soap, tooth brush and all other hygiene items and requiring him to sleep on the concrete in front of a cool air vent for two weeks and on his claim that the defendants deprived him of due process when they placed him on a behavior plan without a hearing. On October 9, 2008 defendants answered plaintiff's complaint. A pretrial conference was held on November 13, 2008. All parties have consented to my jurisdiction.

Now plaintiff moves to voluntarily dismiss his case. Pursuant to Fed. R. Civ. P. 41(a)(2), at this stage of the proceedings, this case may be dismissed at plaintiff's request only by the court on terms that the court considers proper. Defendants have responded that they have no objection to allowing plaintiff to dismiss his complaint without prejudice and

without costs. Therefore, I will grant plaintiff's request and dismiss his case without prejudice and without costs.

ORDER

IT IS ORDERED that plaintiff's motion to voluntarily dismiss his case is GRANTED and his case is DISMISSED without prejudice and without costs.

Entered this 30th day of November, 2008.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge